



# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

Approved

Monday, July 15, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Karyn Puleo, Selectman Allen Curseaden, Selectman Corliss Lambert, Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay.

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Puleo read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

## 1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00PM followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Rick Reault, Clerk.

## 2. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday, July 1, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, and second by Selectman Lambert to approve the minutes of June 3, 2013

B. Executive Session Minutes for Approval but not Release

C. Executive Session Minutes for Release

1. Monday, September 10, 2012 (partial); Monday, November 19, 2012; Monday, December 17, 2012; Monday, January 14, 2013 (partial); Monday, February 11, 2013; Monday, February 25, 2013 (partial); Monday, May 21, 2013; Monday, June 3, 2013 (partial)

The Board voted 5-0-0 on a motion by Selectman Reault, and second by Selectman Jackson to approve the release of the Executive Session minutes as printed.

## 3. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

## 4. New Business

A. Interim Veterans' Agent – Appoint

Veterans' Agent Chris Dery will be attending an extended annual training during a four week period in August and September. The Administrator recommends that Veterans' Agent Kevin O'Connor be





## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

appointed to serve as Interim Veterans' Agent because this extended training will exceed the normal two week training. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Kevin O'Connor to the position of Interim Veterans' Agent, subject to the conditions that the Interim Appointment makes it a non-benefitted position, with a weekly salary of \$639.00 for a twenty-five hour work week.

### B. Evaluation of Town Government – Discuss

The Administrator has provided information from the Board's previous efforts to review Town Government. Including a copy of the 2005 town meeting appropriation to fund the costs associated with a Government Study Commission, the Commission's Mission Statement and By-law. The Board is in favor of investigating further the needs of the Town and to have more discussion on the subject at their next meeting. The members are to contact the Administrator with their comments.

### C. Town Buildings Master Plan – Discuss

The Administrator has forwarded a memorandum to the Board intended to begin discussions of how the Board wishes to evaluate Town buildings, in accordance with the Annual Town Meeting appropriation to fund a Town Building Master Plan. Generally, a master plan should quantify the short, medium and long term needs of the town; evaluate the condition of the town owned properties and infrastructure; and make recommendations for the continuation of the current use, expanded use, and relocation of current uses or disposition of the property. The Facilities Master Plan should also develop a sequential timeline for the proposed recommendation based upon need. The Board has previously indicated that special attention is given to the Senior Center and the needs of the Town's senior citizens. 1) Which buildings/properties does it wish to include in a Master Plan? The Board indicated that they would like to list all of the town buildings Police and Fire stations. And 2) who does the Board wish to oversee this effort? The Administrator suggested a representative from the following Depts. Selectmen, COA, CPC, the Historical Commission, Finance Committee and Recreation Committee. The Board supports hiring an expert to review and to refer to individuals to answer questions that may come up. The Board will provide thoughts in writing to review and to have a draft ready for the 29<sup>th</sup> meeting for further discussions.

### D. FY 2013 Budget Closeout/Transfers (if necessary)

The Financial offices are reviewing final FY2013 account balances. While it is possible that any deficiencies can be addressed via the Finance Committee Reserve Fund, in the event that deficiencies exceed the balance of the Reserve Fund, Selectmen approval will be required. As of tonight there is no action to be taken, the Finance Committee is meeting this evening and reviewing the transfers. The closeout has gone smoothly. The Financial structure that is in place and with Catherine on board identifying new ways of dealing with closing has helped in a smooth closing. The Financial team is working out very well.

## 5. Old Business

### A. Annual Appointments – Continued

The Administrator has forward the following appointment memo to the Board for review and appointing; a copy of the appointment listing, updated to include additional information regarding each board/commission/committee;





## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to reappoint the following individuals to the following boards/commissions/committee for terms expiring June 30, 2016:

Town Education Fund Committee – Kerry Colburn-Dion, Donald Ciampa, Diana Koehane and Phyllis Beck.  
Recreation Committee – Eric Estochen

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to reappoint the following individuals to the following boards/commissions/committee for terms expiring June 30, 2014:

Burial Agent – Robert Pelletier

The Administrator recommends the Board post an advertisement for candidates to be appointed to fill the two vacancies on the elected Cemetery Commission, and then meet with the remaining member to make the appointment.

The Board had discussion regarding the Road Inspector's position. While the position is being researched the Administrator suggested the Board make the appointment as it is mentioned in the Street Opening By-law that a Road Inspector inspects construction trenches. Mr. Curseaden, who has been the inspector for the last nine years, is withdrawing his name for re-appointment.

Road Inspector -

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint James Hustins, Senior Foreman of the Highway Dept., as the Road Inspector in accordance with the Street Opening By-law.

The Board has elected to further discuss the following appointments: the Fence Viewer appointment that is currently vacant, and to discuss the future of the Economic Development Committee as it has not been active in two or more years.

### B. MassDoT – Project Updates

Selectman Curseaden gave a brief update on the Mass DoT's progress on the Pawtucket Blvd relocation project. The piling that held the temporary bridge has been removed and the equipment is in the process of being removed. The lighting and the sidewalks are being addressed by the contractor. Selectman Lambert commented on the traffic signal at Middlesex and Kendall it is now complete and working well.

### **6. Citizen/Business Time – No one came forward this evening.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.





# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

## 7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

### A. Action

The Board received a request from the Merrimack River Watershed Council asking for support to educate the public what storm water is and why it matters. Guidance will be provided on how to reduce debris in catch basins. The Assistant Town Administrator and the Conservation Agent are working with the MRWC to find ways to better educate the public using the EPA Urban Waters grant.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Jackson to draft and send a letter of support to acknowledge participation in the current contract to fund education on a better storm water plan, and to allow MRWC the use of the Town's logo on focus group or workshop materials. The Board would like to see any materials sent by the MRWC in correspondence.

### B. Informational

The Board voted 5-0-0 on a motion by Selectman Reault, second by Jackson to approve the informational correspondence as presented.

## 8. Review of Weekly Warrants

The Administrator read the following weekly warrants into the record: Warrant #54B for \$166,442.82 on 6/30/2013; Warrant #2B for \$22,690.39 on 7/8/2013; Warrant #55P (FY13) + Warrant # 3P (FY 14) for \$386,842.94 on 6/30/2013; Warrant #55B for \$153,697.38 on 6/30/2013; and Warrant #55S for \$336,421.31 on 6/30/2013.

## 9. Town Administrator's Reports

- Response to Selectmen's Requests

Attached are copies of the request for comments that were sent to the Board.

- Budget

Attached is a copy of the budget status update. Transfers will total less than the available balance in the Reserve Fund, so a joint meeting will not be required.

Additionally, the Governor's proposed Local Aid reduction could mean up to \$160,000 in reduction to state aid for Tyngsborough, this would have a tremendously negative impact on the Town's budget. I intend to contact our legislators on Monday to express my concern. It appears that the Legislature may override the Governor's action.

- Departmental Information

Attached is an updated listing of street status, which we intend to post on the Town website. A status meeting will convene next week to chart the course to acceptance of the remaining streets at the next Annual Town Meeting.

The Administrator will be attending a meeting of the Dracut Sewer Commission with the Chair of the Tyngsborough Sewer Commission on Thursday to discuss our pending inter-municipal agreement.

The Board of Health reports that today, the first day of mandatory closure of trash toter covers, they received 16 telephone complaints and 3 walk-in complaints. Based on visual inspection, I





## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

estimated compliance to be over 90%. A detailed report will be submitted by Republic Services tomorrow.

- Contracting/Procurement

Attached are the following: a copy of our quarterly report for the Green Communities grant, letters sent to the ambulance and paramedic companies, a final agreement is anticipated for the Board's approval on July 29<sup>th</sup>. Discussion with Republic Services regarding contract language continues and should have an agreement for signature at the July 29<sup>th</sup> meeting.

Architectural services proposals for the First Parish Church are due this Thursday and will be forward to the Old Town Hall Building Committee for review at their next meeting.

- Other

Attached is a copy of the license and permit issued to the Farmer's Market, which begins Sunday. Attached is a copy of surplus items in the Winslow School. After a review opportunity is afforded to boards/commissions/departments, we will proceed with disposal via competitive bid.

### 10. Selectmen's Reports

Selectman Lambert brought attention to the traffic problems at Flint's Corner next step would be a study of the intersection by experts, discussion deferred to Monday July 29 meeting with the Administrator's review. Selectwoman Puleo also mentioned that Rte. 3 exit has no right turn and the lines are no longer visible. The area around the Rte. 3 ramps is owned by the State.

### 11. 7:00 PM Executive Session

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to enter into Executive Session to discuss for the following :

- Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits
- Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares –Clerical Union; Highway Union; Mid-Managers Union
- Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body
- Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

### 12. 7:30 PM Joint Meeting with Sewer Commission

- Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares –Highway Union; Mid-Managers Union

and to exit executive session to return to open session to meet with the Sewer Commissioners and to return to executive session with the Sewer Commissioners and to exit only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Allen Curseaden, yes; Selectman Corliss Lambert, yes. Selectman Curseaden left the





## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

meeting at 7:30 PM and did not participate in the Executive Session Meeting because of potential conflicts.

The Board entered into Executive Session at 7:30 PM.

### **13. Adjournment**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to exit Executive Session and adjourn the meeting at 9:50 PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday July 29, 2013

*Town of*  
*Tyngsborough*  
massachusetts







# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

## Board of Selectmen Meeting Notice

Monday, July 15, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

### 1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

### 2. Meeting Minutes

- A. Regular Session Meeting Minutes for Approval
  - 1. Monday, July 1, 2013
- B. Executive Session Minutes for Approval but not Release
- C. Executive Session Minutes for Release
  - 1. Monday, September 10, 2012 (partial); Monday, November 19, 2012; Monday, December 17, 2012; Monday, January 14, 2013 (partial); Monday, February 11, 2013; Monday, February 25, 2013 (partial); Monday, May 21, 2013; Monday, June 3, 2013 (partial)

### 3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

### 4. New Business

- A. Interim Veterans' Agent – Appoint
- B. Evaluation of Town Government – Discuss
- C. Town Buildings Master Plan – Discuss
- D. FY 2013 Budget Closeout/Transfers (if necessary)

### 5. Old Business

- A. Annual Appointments – Continued
- B. MassDoT – Project Updates

### 6. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

### 7. Correspondence





# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

- A. Action
- B. Informational

## 8. Review of Weekly Warrants

## 9. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

## 10. Selectmen's Reports

## 11. 7:00 PM Executive Session

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits
- B. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares –Clerical Union; Highway Union; Mid-Managers Union
- C. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body
- D. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

## 12. 7:30 PM Joint Meeting with Sewer Commission

- A. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares –Highway Union; Mid-Managers Union

## 13. Adjournment

### Future Meetings

**Monday, July 29<sup>th</sup>, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane**

**Monday, August 12<sup>th</sup>, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane**

*Town of  
Tyngsborough  
Massachusetts*